

REMARKS

Upon entry of this Amendment, claims 19, 20, 25-28 and 31-33 are pending in this application. By this Amendment, claims 32 and 33 are added, claims 19 and 27 are amended and claims 16-18, 21-24, 29 and 30 are cancelled. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration -- the amendments to claim 19 are in part merely a clarification and in part responsive to the Office Action's indication that claim 21 (which depended from claim 19) was allowable, and the amendment to claim 27 is merely a clarification; and (c) do not present any additional claims without canceling a corresponding number of finally rejected claims (two claims are added and nine are canceled -- the new claims depend from claim 31, which was indicated to be allowable, and correspond to the already-examined subject matter of other allowed claims). The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Objection

The Office Action indicates that claim 21 would be allowable if rewritten to incorporate the limitations of the claim from which it depends. Claim 21 has been cancelled, rendering the objection moot. Independent claim 19 has been amended to conform in scope to claim 21, and thus is allowable. Accordingly, withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 16-20, 22-24, 29 and 30 under the written description requirement of 35 U.S.C. §112, first paragraph. Claims 16-18, 22-24, 29 and 30 have been cancelled, rendering the rejections moot as to those claims. As indicated above, claim 19 has been amended to conform in scope to allowable claim 21, and thus is allowable. Claim 20, which was rejected solely for its dependency from claim 19, is thus now also allowable. Accordingly, withdrawal of the rejections is respectfully requested.

Request for Interference

In view of Examiner Berch's indication in the December 16, 2003 Interview Summary that cancellation of the rejected claims in this application would result in an interference between the remaining claims of this application and the claims of U.S. Patent No. 6,476,220 to Uthira Kumar et al., Applicants respectfully renew their request that an interference be declared between the present application and the Kumar et al. patent.

In Applicants' January 16, 2003 Request for Interference and August 14, 2003 Rule 608(b) Showing, claim 16 of the instant application was identified as the proposed count. Claim 16 has been cancelled. Applicants respectfully submit that the count should be "Deshpande et al. claim 19 or Deshpande et al. claim 25 or Deshpande et al. claim 27 or Deshpande et al. claim 31 or Kumar et al. claim 1," and that claims 19, 20, 25-28 and 31-33 of the present application and claims 1-3 of the Kumar et al. patent correspond to the count and should be so designated.

The parties' independent claims thus correspond exactly to alternatives within the proposed count. They anticipate and are anticipated by the proposed count, and define the same patentable invention. Applicants' dependent claims 20, 26, 28, 32 and 33 and Kumar et al. dependent claims 2 and 3 merely define the solvents and reaction temperatures used in the process of the proposed count, and thus also define the same patentable invention as the

proposed count. Accordingly, all of the claims of both parties correspond to the proposed count.

The terms of Applicants' claims 19, 20, 25-28 and 31-33 are supported in Applicants' disclosure, for example, at page 3, line 22-page 4, line 11, page 5, lines 3-8 and 12-15, and the examples. Alternative names for various components are provided in the claims to emphasize that they are alternative names for the identical components, as represented by the structural formulas, and thus the alternative names are either expressly used or inherent in the present application. Similarly, the reference to "nucleophilic displacement" in claim 19 merely defines the inherent nature of the reaction described throughout the application.

Claims 19, 20, 25-28 and 31-33 of the present application correspond substantially to claims 1-3 of Kumar et al. U.S. Patent No. 6,476,220.

Conclusion

In view of the above amendments and remarks, prompt declaration of an interference, based on the proposed count identified above and designating Applicants' claims 19, 20, 25-28 and 31-33 and Patentee's claims 1-3 as corresponding to the count, is respectfully requested.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Jacob A. Doughty
Registration No. 46,671

WPB:JAD/ldg

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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